

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**IN RE PAYMENT CARD  
INTERCHANGE FEE AND MERCHANT  
DISCOUNT ANTITRUST LITIGATION**

**This Document Applies to:**

***rue21, inc. v. Visa Inc., et al., No. 14-cv-07018 (E.D.N.Y.) (MKB) (JO).***

**No. 05-md-01720 (MKB) (JO)**

**PLAINTIFF'S STIPULATION AND  
ORDER OF DISMISSAL WITHOUT  
PREJUDICE OF ALL CLAIMS**

WHEREAS, the Plaintiff in *rue21, inc. v. Visa Inc., et al.*, No. 14-cv-07018 (E.D.N.Y.) (MKB) (JO) (“*rue21* action”), which action is included in *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, No. 1:05-md-01720 (E.D.N.Y.) (MKB) (JO) (“MDL 1720”), by and through its undersigned counsel, hereby stipulates and agrees, pursuant to Federal Rule of Civil Procedure 41(a), that the Plaintiff’s claims and action against all of the defendants in the *rue21* action (Visa U.S.A. Inc., Visa International Service Association, Visa Inc., MasterCard International Incorporated, and MasterCard Incorporated) be dismissed without prejudice to pursue Plaintiff’s claims as a member of any litigation or settlement class in MDL 1720, and with each side to bear its own attorneys’ fees and costs.

Accordingly, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. The claims and action of the Plaintiff be, and hereby are, dismissed without prejudice and with each side to bear its own attorneys’ fees and costs.
2. In the event that the Plaintiff refiles any action that relates to the subject matter of claims asserted in MDL 1720, the Plaintiff will file that action in federal court and will consent to, and not oppose, the inclusion of that action in MDL 1720 (if the action is filed in this Court) or the transfer of that action to MDL 1720 for coordinated or consolidated pre-trial proceedings

(if the action is filed in any other federal court). Defendants will not assert as to such a refiled action a statute of limitations defense based on the pendency of this action or this dismissal.

3. Nothing in this stipulation or order shall preclude the Plaintiff from pursuing claims as a member of any litigation or settlement class in MDL 1720 or from opting out of any future litigation or settlement class certified in MDL 1720 if opt-out rights are afforded to that class.

Dated: April 3, 2018

Respectfully submitted,

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**SO ORDERED:**

Dated:

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Brooklyn, New York

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United States District Judge